



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 065691/0222

In re patent application of

Pierre CHAMBON *et al.*

Serial No. 09/853,033

Group Art Unit: 1636

Filed: May 11, 2001

Examiner: Celine X. QIAN

Title: TRANSGENIC MOUSE FOR TARGETED RECOMBINATION MEDIATED BY
MODIFIED CRE-ER

#12

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents and Trademarks
Washington, D.C. 20231

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APR 01 2003

TECH CENTER 1600/2900

Sir:

This communication responds to the office action dated December 31, 2002, concerning the above-referenced patent application. Although applicants believe that no fee is due, the Commissioner is hereby authorized to charge any deficiency to Deposit Account No. 19-0741, including any extension of time, and to treat this authorization as a petition for any extension of time determined to be necessary for this response to be considered timely.

REMARKS

In the instant action, the examiner indicated that claims 19, 21-24 and 34 will be considered together with the claims of Group I, but that she "inadvertently overlooked the requirement to separate transgenic metazoan organisms having different genotype[s] into different groups" (office action at 2). As such, the examiner further restricted Group I (claims 1-8, 10-15, 18-24, 33, 34 and 40-52) into twelve separate groups (groups (i)-(xii)).

Therefore, applicants provisionally elect group (xi), claims 14, 23, 50 and 52 for examination, with traverse. Applicants respectfully assert that searching the claims in groups (i)-(xii) would not be unduly burdensome since the transgenic metazoan organisms recited in the claims all comprise a Cre-ER fusion gene under the control of a different expression element. Moreover, the expression element in each of groups (i)-(xii) is a tissue-specific promoter region that is either cytokeratin 5, cytokeratin 14, α -1 antitrypsin, or adipocyte fatty acid binding protein 2. Therefore, if "the search and examination of an entire application can be